



**U.S. Department of Justice**  
*United States Attorney*  
*District of Massachusetts*

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*Boston, Massachusetts 02210*

25 September 2006

Honorable Nathaniel M. Gorton  
United States District Court  
District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02210

Re: United States v. Julio Santiago, et al.  
04-10336-NMG

Dear Judge Gorton:

I am writing to inform you of the government's repeated but unsuccessful attempts to contact Carl Donaldson, Esquire, 11 Beacon Street, Suite 600, Boston, MA 02108, who presently represents Reynaldo Rivera, a defendant in the above-captioned matter.

On or about August 18, 2006, the undersigned prosecutor received a voice mail from Attorney Donaldson requesting a return call. On August 21, 2006, I returned Attorney Donaldson's telephone call and spoke to him very briefly about the status of the case. Attorney Donaldson indicated that he would return my call and discuss the case in more depth with me after speaking to his client.

To date, the undersigned prosecutor has not heard from Attorney Donaldson, and attempts to deliver mandated discovery to his office at 11 Beacon Street, Suite 600, Boston, and to contact him via telephone and email have failed. Specifically, on August 31, 2006, the government attempted to deliver "expert disclosures" under Fed. R. Crim. P. 16 to Attorney Donaldson, but the packet of materials was returned by FedEx as undeliverable with no forwarding address. On September 8<sup>th</sup> and 21<sup>st</sup> 2006, the government sent emails to Attorney Donaldson requesting that he contact this office so that discovery materials could be forwarded to him. Those emails went unanswered. On this date, the government attempted to deliver the 21-day discovery materials to Attorney Donaldson at his Boston office, but that discovery packet was returned as well. Additionally, a number of

attempts to contact Attorney Donaldson by telephone (including this date) have proven fruitless. I have tried to reach him on his cellular telephone, but his voice mail box is full and no longer accepting messages. His office telephone number at 11 Beacon Street is disconnected with no further information available. Calls to a third number provided by Attorney Donaldson go unanswered, and the receiving message indicates that the voice mail box has not been set up. Attempts to locate Attorney Donaldson over the internet similarly have proven fruitless.

It is my understanding from speaking to your clerk, Mr. Nicewicz, that the Clerk's Office has the same contact information for Attorney Donaldson.

As you know, this case is scheduled for trial on October 16, 2006, and the government has every intention of trying these cases on the date assigned by the Court. However, the government wishes to alert the Court to the problems it has encountered in reaching Attorney Donaldson as the trial date approaches. It remains open to any guidance that the Court may offer.

Very truly yours,

MICHAEL J. SULLIVAN  
United States Attorney

By: \_\_\_\_\_  
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Assistant U.S. Attorney  
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cc: Counsel of Record